

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Plaintiff,

v.

Russell Seven Barela,

Defendant.

Case No. 2:22-mj-00443-DJA

Order

Defendant Barela filed a motion requesting that the Court set a hearing date in this matter to conduct arraignment, plea, and sentencing. (ECF No. 10.) In the motion, Defendant Barela represents that he currently is incarcerated in Colorado and has signed a plea agreement with the government to resolve this matter. (*Id.*) The government did not file a response.

Defendant Barela also filed a motion requesting that the Court permit him to appear remotely by video teleconference for proceedings in this matter. (ECF No. 11.) The government did not file a response.

Good cause appearing, the Court grants Defendant Barela's motion requesting a hearing date (ECF No. 10). The Court therefore will hold a hearing on Thursday, April 4, 2024, at 3:00 PM Pacific Time to conduct arraignment, plea, and sentencing.

The Court further grants Defendant Barela's motion requesting permission to appear remotely by video teleconference from the Bent County Correctional Facility located at 11560 County Road Ff 75, Las Animas, Colorado 81054. Federal Rule of Criminal Procedure 43(b)(2) states that a defendant need not be present when the "offense is punishable by fine or imprisonment of not more than one year, or both, and with the defendant's written consent, the court permits arraignment, plea, trial, and sentencing to occur by video teleconference or in the defendant's absence." Rule 43(b)(2) applies to both offenses with which Defendant Barela is charged.

1 Accordingly, Defendant Barela will be permitted to appear by remote video
2 teleconference for the proceedings in this matter.

3 IT IS THEREFORE ORDERED that Defendant's Motion for Hearing (ECF No.
4 10) is granted.

5 IT IS FURTHER ORDERED that Defendant's Motion for Permission to Appear
6 by Video Teleconference (ECF No. 11) is granted.

7 IT IS FURTHER ORDERED that the Court will hold a hearing on Thursday,
8 April 4, 2024, at 3:00 PM Pacific Time to conduct arraignment, plea, and sentencing.

9 IT IS FURTHER ORDERED that the Bent County Correctional Facility will
10 make Defendant Barela available to participate in the hearing by video
11 teleconference on Thursday, April 4, 2024, at 3:00 PM Pacific Time.
12 The clerk of court will provide Bent County Correctional Facility,
13 Quality Assurance Manager, a zoom invitation for the defendant to make his
appearance via zoom.



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15 Dated: March 29, 2024

DANIEL J. ALBREGTS
United States Magistrate Judge